

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI-DADE DIVISION

ZAGG INC,

Case No.: 1:23-cv-20304-RKA

Plaintiff,

v.

MENACHEM MENDEL ICHILEVICI;
TX TRADING INC.;
DVG TRADE LLC; and

Defendants.

_____ /

DVG TRADE LLC,

Counterclaim-Plaintiff,

v.

ZAGG INC., SCREENYA, LLC,
MERRIL LONGMORE, and
BRENDAN BUCKNER,

Counterclaim-Defendants.

_____ /

**NOTICE OF FILING DECLARATION OF MARK BERKOWITZ IN OPPOSITION TO
ZAGG INC AND SCREENYA, LLC'S MOTION TO DISMISS**

Defendant DVG Trade LLC, by and through its undersigned counsel, hereby files the attached Declaration of Mark Berkowitz in Opposition to Zagg Inc and Screenya, LLC's Motion to Dismiss.

June 9, 2023

Respectfully submitted,

By: /s/ Geoffrey M. Cahen

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Attorney for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been
electronically filed, this **9th day of June, 2023**, to:

Counsel for Plaintiff

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By: /s/ Geoffrey M. Cahen

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MERRIL LONGMORE, and
BRENDAN BUCKNER,

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_____ /

**DECLARATION OF MARK BERKOWITZ IN OPPOSITION TO
ZAGG INC AND SCREENYA, LLC'S MOTION TO DISMISS**

I, Mark Berkowitz, declare as follows:

1. I am a Partner at Tarter, Krinsky & Drogin LLP and admitted *pro hac vice* as an attorney of record for Defendant/Counterclaim-Plaintiff DVG Trade LLC ("DVG").
2. I make this Declaration in support of DVG's Opposition to Zagg Inc and Screenya, LLC's Motion to Dismiss.

3. Attached hereto as **Exhibit 1** is a true and correct copy of screenshots of the webpage found at <https://www.linkedin.com/in/merril-longmore-87a27a55/recent-activity/comments/>, accessed on June 9, 2023.

4. Attached hereto as **Exhibit 2** is a true and correct copy of screenshots of the webpage found at www.amazon.com/sp?ie=UTF8&seller=AJK3SJQRH914T, accessed on June 8, 2023.

5. Attached hereto as **Exhibit 3** is a true and correct printout of the webpage found at www.stout.com/en/locations, accessed on June 8, 2023.

6. Attached hereto as **Exhibit 4** is a true and correct copy of the “Response of Stout Risius Ross, LLC to May 18, 2023 Subpoena Issued by DVG Trade LLC,” which was served on DVG’s counsel on June 6, 2023.

7. Attached hereto as **Exhibit 5** is a true and correct copy of a document produced by non-party Stout Risius Ross, LLC in this action with Bates number SRR_000004–05.

8. Attached hereto as **Exhibit 6** is a true and correct copy of a document produced by non-party Stout Risius Ross, LLC in this action with Bates number SRR_000167.

9. Attached hereto as **Exhibit 7** is a true and correct excerpt of a printout of the webpage found at <https://www.linkedin.com/in/brandon-buckner-22b74391>, accessed on June 8, 2023.

10. Attached hereto as **Exhibit 8** is a true and correct copy of the text of an email from counsel for Zagg Inc in this action to DVG’s counsel, dated May 4, 2023.

11. Attached hereto as **Exhibit 9** is a true and correct copy excerpts of “Plaintiff’s Objections and Responses to Defendant DVG Trade LLC’s First Set of Interrogatories,” which was served on DVG’s counsel on May 12, 2023.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: June 9, 2023

By: 
Mark Berkowitz